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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,449	10/11/2000	Jeff Chin	F0002-010002	5968

7590 06/14/2004  
Kristofer E. Elbing  
187 Pelham Island Road  
Wayland, MA 01778

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/685,449

Applicant(s)

CHIN ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 29-33 and 35-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 29-33 and 35-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 and 4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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## **Detailed Action**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-17, 29-33 and 35-47 in Paper No. 6 is acknowledged. Claims 1-17, 29-33, and 35-47 are pending in the application.

### **Examiner's Note**

2. The examiner has pointed out particular references contained in the prior art of record and in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed invention.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 29-33, 35-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al (U.S. Patent No. 6,415,270) in view of Fisher et al (U.S. Patent No. 6,243,691).

As per claims 1-7, 9-10, 12-15, 17, 29, 33, 35-37, 40-47, Rackson et al disclose a networked sales system for:

presenting via a first network item information associated with an item on a sales screen to a user (col. 6 line 63 through col. 7 line 14), communicating a variable price schedule for the item to the user (communicating the reverse price to the user (col. 8, lines 29-37);

Rackson et al disclose the limitations above but do not explicitly disclose receiving a reminder command associated with an entry in the schedule from the user, the reminder command including a price selection for the item, and notifying the user when the entry in the schedule is reached. Fisher et al in the same field of endeavor, disclose a method for conducting an interactive auction comprising the steps of receiving a bid selection from a user and notify the user when the bid is satisfied (col. 6, lines 37 through col. 8 line 66). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Rackson et al to incorporate a notification system as evidenced by Fisher et al in order to allow a group of users to place their bids.

As per claim 8, the combination of Rackson and Fisher et al does not explicitly disclose wherein acceptance of the reminder command in the step of receiving a reminder command for the user is contingent on the receipt of contact information in a step of receiving contact information for the user, but wherein the step of presenting the item is independent for the receipt of any contact information from the user. Incorporating this feature into Rackson et al and Fisher et al would have been obvious to a person of ordinary skill in the art so that the user can send a response indicating that the user agrees with a price.

As per claims 11, 16, the combination of Rackson and Fisher et al does not explicitly disclose presenting a plurality of choices including a present price and at least one future price and further including the step of displaying a present purchase control button next to the present

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price and a future control button next to the future price. It would have been obvious to a person of ordinary skill in the art to incorporate this feature into the disclosures of Rackson and Fisher et al with the motivation to allow a user to select an appropriate price.

As per claims 30-32, and 38, Rackson further discloses displaying an image of the item (col. 25 line 56 through col. 26 line 29).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Poland et al (U.S. Patent No. 5,172,314) disclose an apparatus for updating prices and notifying users of the price update.

b. Woolston (U.S. Patent No. 5,845,265) allows a participant to electronically purchase goods which allows the participant to offer or reserve a price.

c. Ansubel (U.S. Patent No. 6,021,398) discloses a computer implemented method for executing an auction.

d. Woolston (U.S. 6,202,051) discloses a computerized database for generating an identification code to identify an item in an auction and scheduling an auction for the item.

e. Ng (U.S. Patent No. 6,405,175) discloses a database containing products and price information for a wide variety of products from many suppliers.

f. Nelson (U.S. Patent No. 6,496,568) discloses a method for notifying subscribers upon price changes.

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g. Kinney, Jr. et al. (U.S. Patent No.6, 564,192) disclose a method for conducting electronic online auctions between a plurality of bidders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.

March 8, 2004



Romain Jeanty

Primary Examiner

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